

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MARIA VERGARA, individually and on)
behalf of a class of similarly situated individuals,)
)
)
Plaintiff,) No. 15-cv-6942
)
)
v.)
)
)
)
)
UBER TECHNOLOGIES, INC.) Hon. Thomas M. Durkin
)
)
)
Defendant.)

JOINT INITIAL STATUS REPORT

Plaintiff Maria Vergara and Defendant Uber Technologies, Inc., through their undersigned counsel, hereby jointly submit this initial status report to the Court.

1. The Nature of the Case

a. The attorneys of record:

Plaintiff:

Myles McGuire
Evan M. Meyers (lead)
Eugene Turin
MCGUIRE LAW, P.C.
55 W. Wacker Drive, 9th Floor
Chicago, IL 60601
Tel: (312) 893-7002
Fax: (312) 275-7895
mmcguire@mcgpc.com
emeyers@mcgpc.com
eturin@mcgpc.com

Defendant:

Debra R. Bernard (lead)
PERKINS COIE LLP
131 South Dearborn, Suite 1700
Chicago, Illinois 60603
Tel: (312) 324-8559
Fax: (312) 324-9559
DBernard@perkinscoie.com

b. The basis for federal jurisdiction.

The Complaint alleges that this Court has subject matter jurisdiction under 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”).

c. The nature of the claims asserted in the complaint and any counterclaim.

The Complaint asserts a single cause of action for violation of the TCPA on behalf of the Plaintiff and a putative class. Plaintiff alleges that she and the other members of the putative class received text messages on their respective cellular telephones, where the called party was not the same individual who, according to Defendant's records, provided the phone number to Defendant. No counterclaim has been filed.

d. Relief sought by Plaintiff.

Plaintiff seeks the following relief:

(i) an Order certifying the proposed class; (ii) an award of statutory damages; (iii) an injunction requiring Defendant to cease all wireless spam activities; (iv) an award of reasonable attorneys' fees and costs; and (v) such other and further relief as the Court may deem reasonable and just.

2. Pending Motions and Case Plan

a. Identify any pending motions.

Defendant filed its Answer on October 5, 2015 (Dkt. 7). Defendant has informed Plaintiff that Defendant intends to file a Motion to Stay this case on the basis of an appeal of the July 10, 2015 FCC ruling pending in the D.C. Circuit Court of Appeals. Thus, the Parties acknowledge that the schedule proposed herein may be modified pending the Court's consideration of the Motion to Stay.

b. Discovery plan proposal:

The Parties had a formal 26(f) telephone conference on October 6, 2015, and have exchanged communications regarding the contents of this joint statement. The Parties have agreed to exchange initial disclosures by October 27, 2015. Plaintiff anticipates taking discovery

on, among other things, the following issues: the number of text messages sent, the identity of the recipients of the messages, the putative class members' consent or lack of consent to receive the text messages, and the utilization of an Automatic Telephone Dialing System by Defendant and/or its agents to send the messages. Defendant anticipates taking discovery on, among other things, Plaintiff and her alleged receipt of text messages from Defendant, Plaintiff's consent or lack of consent as well as that of putative class members, and users who input incorrect phone numbers in the Uber application.

The Parties propose the following discovery deadlines:

Deadline:

1. Initial Disclosures	October 27, 2015
2. Deadline to propound first set of written discovery	November 10, 2015
3. Deadline to Add Parties/Amend Pleadings	March 11, 2016 (or approximately 3 months after responses to written discovery, whichever is later)
4. Plaintiff's Expert Disclosures Due	May 20, 2016
5. Defendant's Rebuttal Expert Disclosures Due	July 1, 2016
6. Discovery Cut-Off Date	August 26, 2016
7. Deadline to File Motion for Class Certification	September 23, 2016
8. Additional Merits Discovery Period	November 18, 2016 (or for approximately 60 days after the Court's ruling on Plaintiff's Motion for Class Certification, whichever is later).
9. Deadline to file Dispositive Motions	December 16, 2016 (or 30 days after close of additional merits discovery period, whichever is later)

c. E-Discovery

The Parties anticipate that discovery will encompass electronically stored information, although the nature and extent of such ESI discovery is not yet known. The Parties have agreed to engage in an E-Discovery meet-and-confer prior to propounding any written discovery requests to discuss the scope and nature of e-discovery and to develop a plan that can avoid further disputes. As such, the Parties do not currently anticipate any e-discovery disputes but would agree to submit any e-discovery disputes to a mediator from the E-Mediation Panel.

d. Whether a jury trial has been demanded by any party and the probable length of trial.

Plaintiff has demanded a jury trial. The Parties currently estimate that a trial would likely last 5-7 days.

3. Consent to Proceed Before a Magistrate Judge

The Parties do not consent unanimously to proceed before a Magistrate Judge.

4. Status of Settlement Discussions

No formal settlement discussions have occurred. The Parties do not request a settlement conference at this time but reserve the right to do so at a later date.

Dated: October 8, 2015

Respectfully Submitted,

MARIA VERGARA, individually and on behalf of a class of similarly situated individuals,

By: /s/ Evan M. Meyers
One of Plaintiff's Attorneys

Myles McGuire
Evan M. Meyers
Eugene Turin
MCGUIRE LAW, P.C.
55 W. Wacker Drive, 9th Floor
Chicago, IL 60601
Tel: (312) 893-7002
mmcuire@mcmcpc.com

emeyers@mcgpc.com
eturin@mcgpc.com

UBER TECHNOLOGIES, INC.

By: /s/ Debra R. Bernard
One of Defendant's Attorneys

Debra R. Bernard
PERKINS COIE LLP
131 South Dearborn, Suite 1700
Chicago, Illinois 60603
Tel: (312) 324-8559
Fax: (312) 324-9559
DBernard@perkinscoie.com